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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,199	03/08/2002	Detlev Neuland	3868-0104P	9426

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

HAMILTON, ISAAC N

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,199

Applicant(s)

NEULAND ET AL.

Examiner

Isaac N. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 7-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In light of the specification and drawings it is not clear how the take-up channels function to allow the strips to lead together at the end of the channel. It is not clear how plates 13 and 14 create a negative pressure, nor is it clear how the strips are lead together at the end of the channel because Figure 3 clearly shows the strips together at the beginning of the channel. Also, in claim 7, lines 8-9, "negative pressure zone" is used but not defined in the specification or in the claim. For the purposed of examination, "negative pressure zone" is interpreted to mean the area adjacent to the vacuum roll.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 7-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 7, line last line, "negative pressure" is used to describe the means by

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which the individual strips are led one upon the other. What produces the negative pressure? Is the negative pressure a tensioning means?

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crum (3,556,509) in view of Swift, Jr. (1,790,559), Faasse, Jr. (4,556,441), and Pohjola (5,224,405). Crum discloses a broad web of material W; multiple circular knife roll S; individual strips W-1, W-2, W-3 and W-4; negative pressure zone is the area juxtaposed the roller 11 and knife roll S; take-up channel is the area between the rollers 22, 23 and 11 in figure 1B; turned by about 90 degrees on its way to take up channel is shown in figures 1A and 1B; strips are lead on top of each other in figure 1B just before rollers 22, 23; allowing strips to lie upon one another is shown in figure 1B between rollers 12 and elements 13 and 14; negative pressure is caused by the nipping action of rollers 22, 23 and 12, and also by the tension created in the individual strips. Crum does not disclose a roll of material, and does not disclose a take-up mandrel. However, Swift, Jr. teaches roll of material 6a, and teaches take-up mandrel 6. It would have been obvious to provide a roll of material and a take-up mandrel in Crum as taught by Swift, Jr. in order to transport the raw materials in the process conveniently. Crum does not disclose manufacturing a medicinal and/or an active substance containing product by further processing. Faasse, Jr. teaches manufacturing medicinal and/or any active substance containing product by

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further processing in figure 10. It would have been obvious to provide manufacturing a medicinal and/or any active substance containing product by further processing in Crum as taught by Faasse, Jr. in order to apply web separator technology to a wide range of products. Note in Faasse, Jr. medicinal substance containing products in column 2, lines 25-48; dermal patches in column 1, lines 9-15; active substance containing sheet-like administration forms in column 1, lines 56-68. Crum does not disclose a vacuum roll. However, Pohjola teaches a vacuum roll 32. It would have been obvious to provide a vacuum roll in Crum as taught by Pohjola in order to replace the rollers 10 and 11 in Crum so that the apparatus can convey various web structures.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Crum, Swift, Jr., Faasse, Jr. and Pohjola, as applied to claims 7-9, 11, and 12 above, and further in view of Mlodozeniec et al (4,349,531), hereafter Mlodozeniec. The combination discloses everything as noted above, but does not disclose administration forms for oral application. However, Mlodozeniec teaches administration form for oral application in column 3, lines 40-44. It would have been obvious to provide application forms for oral application in the combination as taught by Mlodozeniec in order to provide various products to consumers.

Response to Arguments

8. Applicant's arguments with respect to claims 7-12 have been considered but are moot in view of the new ground(s) of rejection.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IH

August 3, 2005



Allan N. Shoap
Supervisory Patent Examiner
Group 3700